

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:13-cv-380

Judge Thomas M. Rose

-v-

**SHIVANU CORPORATION
d/b/a ECONO LODGE - URBANA, OH,**

Defendant.

**ENTRY AND ORDER GRANTING THE UNITED STATES' MOTION
FOR DEFAULT JUDGMENT (Doc. #6) AND ENTERING JUDGMENT
FOR THE UNITED STATES AGAINST SHIVANU CORPORATION IN
THE AMOUNT OF \$523,588.78**

Now before the Court is a Motion for Default Judgment filed by the United States against Shivanu Corporation d/b/a Econo Lodge - Urbana, OH ("Shivanu"). (Doc. #6.) The United States alleges that Shivanu is in default of a loan and the entire balance of the loan has become due and payable. (Doc. #1.) The unpaid balance, according to the United States, is \$390,677.78 in principal and \$132,911.00 for administrative costs/fees accrued through September 25, 2013. (Id.)

A Clerk's Entry of Default was entered against Shivanu for failing to plead or otherwise defend. (Doc. #5.) Subsequently, the United States filed a Motion for Default Judgment against Shivanu. (Doc. #6.) The time has run and Shivanu has not responded to the United States' Motion for Default Judgment. It is, therefore, ripe for decision.

Pursuant to Fed. R. Civ. P. 55(b)(2), a court may enter default judgment against a defendant who has failed to plead or otherwise defend. On a motion for default judgment,

allegations of fact in the complaint are taken as true unless they are contradictory on the face of the document. *Thomson v. Wooster*, 114 U.S. 104 (1885). In this case, the allegations of the amount of principal and administrative costs/fees are not contradictory on the face of the Complaint. Therefore, default judgment in the total amount of \$523,588.78 (the sum of the principal and administrative costs/fees) is entered against Shivanu in favor of the United States.

The United States also seeks additional interest from the date of this judgment and the costs of this action. However, the United States has not provided the legal basis for any additional interest. Also, the United States has not provided a legal or factual basis for the costs of this action. Therefore, neither will be awarded by the Court at this time. Finally, the captioned cause is hereby ordered terminated on the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio this 28th day of April, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record and Shivanu Corporation at its last address of record